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9 UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 GIL CROSTHWAITE, RUSS BURNS, in their  
respective capacities as Trustees of the  
12 OPERATING ENGINEERS HEALTH AND  
WELFARE TRUST FUND FOR NORTHERN  
13 CALIFORNIA; PENSION TRUST FUND FOR  
OPERATING ENGINEERS; and PENSIONED  
14 OPERATING ENGINEERS HEALTH AND  
WELFARE FUND;

15 Plaintiffs,  
16 v.

17 WESTERN TRACTION II, INC., a California  
Corporation, and RON CARLSTON, JR.,  
18 individually,

19 Defendants.

Case No.: C07-1564 JSW (WDB)

**STIPULATION AND REQUEST FOR  
CONTINUANCE OF MEDIATION DATE**

JUDGE: The Honorable Jeffrey S. White

ADR: Magistrate Wayne D. Brazil

20 The parties herein hereby stipulate as follows, and request that the mediation deadline be  
21 extended 30 days to **September 21, 2007**, as follows:  
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- 23 1. The parties previously stipulated to participate in mediation for their ADR process.
- 24 2. Plaintiffs recently substituted their counsel in this matter on June 6, 2007. Counsel  
25 for the parties have begun to engage in discussion, to identify the issues of disagreement, and to  
26 obtain information to clarify those issues and the parties' contentions.  
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3. ADR Local Rule 6-5 requires that mediation be held within 90 days after the May 24, 2007 entry of the Order referring the case to mediation. That date is now August 22, 2007, and a tentative mediation date has been set within that deadline.

4. Nevertheless, at the telephone conference for scheduling held on Tuesday, August 1, 2007 with Robert Weems, the court appointed mediator, it was agreed by counsel for both parties, that further time spent by the parties might lead to resolution without the need for mediation.

5. Accordingly, both parties and the mediator agreed to extend the mediation deadline to allow time for possible resolution by the parties.

6. The parties therefore request that the mediation deadline be extended to **September 21, 2007**.

Dated: August 2, 2007

SALTZMAN & JOHNSON LAW CORPORATION

By: \_\_\_\_\_/s/\_\_\_\_\_

Muriel B. Kaplan  
Attorneys for Plaintiffs

Dated: August 2, 2007

SWEET & KLEINMAN, P.C.

By: \_\_\_\_\_/s/\_\_\_\_\_

Rodney Mayer Sweet  
Attorneys for Defendants

IT IS SO ORDERED.

The Mediation deadline date is hereby continued to September 21, 2007.

Date: August 3, 2007

  
United States District Court Judge